

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

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Ziyad Yaghi,
Petitioner,

Case No: 5:09-cr-00216-FL

v.

United States of America,
Respondent.
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EXPERT REPORT OF JAMES L. FELDKAMP

1. I am a former Special Agent with the Federal Bureau of Investigation (FBI), having served five years and one month. I am a founding member of the Tidewater Joint Terrorism Task Force where I was responsible for investigating and prosecuting individuals identified as participating in international and domestic terrorism. In that capacity, I worked on cases such as the HAMAS cigarette smuggling, Hezbollah, and Al-Qaeda cases.
2. During my time with the FBI, I was one of three pilots in the Norfolk office tasked with aerial physical surveillance of suspects in ongoing criminal and terrorist cases.
3. I am an Adjunct Professor at George Mason University, Henley-Putnam University, and previously I worked as an adjunct Professor at George Washington University for three years. I have developed and taught a comprehensive course on theories and politics of terrorism, including the causes of terrorism, history, motivations, and objectives. The class explores military, law enforcement and geopolitical concerns affecting U.S. national counter-terrorism policy.
4. I am a recognized expert in foreign affairs and counter-terrorism. At the request of Jones & Bartlett Publishers, I reviewed, critiqued and edited the university textbook entitled "Counterterrorism." I authored and edited the university textbook, "Theory & Politics of Terrorism," published by Cognella Academic

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Exhibit 27

Publishing in 2013. Chapters include: Causes of Terrorism, Media and Terrorism, Crime and Terrorism, Religion and Terrorism, International Terrorism, State Sponsors of Terrorism, Counter-Terrorism, and Defeating Terrorism.

5. I founded JLF Solutions in 2013, which provides training and subject matter expertise in the field of counter-terrorism, transnational crimes, and maritime domain awareness. Past engagements include training Special Agents and Analysts from the FBI, U.S. military personnel, and other intelligence officers as well as past international and domestic law enforcement officers on terrorism and counter-terrorism trends and developments on behalf of the Threat Knowledge Group and The Society of Industrial Security Professionals (formerly National Classification Management Society) . I was a guest speaker at the Program on Terrorism and Security Studies Workshop entitled “Convergence: Tomorrows Risk to Today” in Garmisch-Partenkirchen, Germany. I have also served as a counter-terrorism and security subject matter expert on Skynews and Alghad Alarabi Networks.
6. At the request of the Constitutional Law Center for Muslims in America, I have reviewed Evan Kohlmann’s testimony from Ziyad Yaghi’s trial and the Daubert Hearing transcript.
7. Based on my training and experience in the counter-terrorism field, I will render my observations and opinions associated with Evan Kohlmann’s theories on terrorism and his analysis in this particular case.
8. I do not believe that the term “homegrown terrorist” in the Yaghi case is an accurate descriptor. It conflates the concept of domestic and international terrorism. Although there are many definitions of terrorism – one can say that terrorism is “The use of force (or threat thereof) against those who cannot defend themselves taken by a non-state actor with political, ideological or (religious) aims and ultimately aimed against a legitimate political order.” Or more simply put – violence, or the threat of violence, against civilians (or those who cannot protect themselves), for a political purpose.

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9. Terrorism is violence against civilians for a political purpose. Therefore, a domestic terrorist is an individual who commits violence against civilians for a political purpose within the United States. An international terrorist is an individual who commits violence against civilians for a political purpose overseas or is directed by an agent of a nation or transnational actor operating outside the jurisdiction of the United States.
10. I do not believe a hierarchal "global jihad" movement exists. There is a shared ideology that drives many Islamic terrorist organizations, but they do not work under a shared umbrella. In fact, many of these Islamic terrorist organizations are in competition with each other. For example, Al-Qaeda and ISIS. While these organization may share tactics and procedures, it is unclear whether they share information and resources necessary to unify the organizations under a single movement.
11. It is my opinion that it would have been fairly easy to impeach Evan Kohlmann at trial by invalidating his theories during cross-examination. Specifically, Kohlmann's theory regarding what factors indicate a "homegrown terrorist." The factors Kohlmann listed at trial include: (1) engaging in self-selecting activity; (2) acquiring the necessary goods and materials to carry out that plan; (3) adoption of a sectarian ideology; (4) use of logistical subterfuge; and (4) deliberative collection and redistribution of terrorist propaganda.
12. The two factors that stand out as invalid are adoption of sectarian ideology and the use of logistical subterfuge. Terrorism is not always motivated by religion, therefore, including sectarian ideology as a factor for a "homegrown terrorist" excludes secular terrorists. "Logistical subterfuge," or use of code words, is common among non-terrorists as well, such as bank robbers. Therefore, it is not an accurate indicator.
13. I declare under penalty of perjury under the laws of the state of North Carolina that the foregoing is true and correct.


James L. Feldkamp

1/19/2016
Date

DECLARATION OF JAMES L. FELDKAMP